

SECOND REGULAR SESSION

HOUSE BILL NO. 1628

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARNES.

5613L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 116.334, RSMo, and to enact in lieu thereof one new section relating to summary statements for petitions, with a referendum clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 116.334, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 116.334, to read as follows:

116.334. 1. If the petition form is approved, the secretary of state shall within ten days prepare and transmit to the attorney general a summary statement of the measure which shall be a concise statement not exceeding one hundred words. This statement shall be in the form of a question using language neither intentionally argumentative nor likely to create prejudice either for or against the proposed measure. The attorney general shall within ten days approve the legal content and form of the proposed statement.

2. Signatures obtained prior to the date the official ballot title is certified by the secretary of state shall not be counted.

3. **The secretary of state shall not prepare a summary statement for any measure in which any family member within the second degree of consanguinity or any person married to a family member within the second degree of consanguinity has a financial interest in the outcome of the measure exceeding fifty thousand dollars. In such case, the secretary of state shall recuse from consideration of the measure and the governor shall assume the secretary of state's responsibilities set forth in this section. Proof that the secretary of state failed to recuse from consideration of a measure in violation of this section shall create an irrebutable presumption that the summary statement portion of the official ballot title is insufficient and unfair. Upon proof that the secretary of state violated**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **this provision, the court shall write sufficient and fair language and shall issue an order**
19 **requiring the secretary of state to forfeit the office, said vacancy to be filled by the**
20 **procedures set forth in section 28.190.**

Section B. This act is hereby submitted to the qualified voters of this state for approval
2 or rejection at an election which is hereby ordered and which shall be held and conducted on the
3 Tuesday immediately following the first Monday in November, 2012, or at a special election to
4 be called by the governor for that purpose, pursuant to the laws and constitutional provisions of
5 this state applicable to general elections and the submission of referendum measures by initiative
6 petition, and it shall become effective when approved by a majority of the votes cast thereon at
7 such election and not otherwise. The official ballot title of the amendment proposed in this act
8 shall be as follows:

9 "Should the Secretary of State be prohibited from writing official summaries of ballot
10 measures for which any family member within the second degree to consanguinity or a spouse
11 of any such person has a financial interest of \$50,000 or greater, to be recused from consideration
12 and the Governor taking over the responsibilities?".

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